

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No.6076 of 2000

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Dated:06.07.2006

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Between:

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Md.Osman S/o M.A.Razaack,
R/o 1-19-1/2/3, Rasoolpura, Secunderabad.

...**PETITIONER**

And:

The District Collector, Hyderabad and others.

... **RESPONDENTS**

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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ORDER:

This writ petition has been filed by the petitioner seeking a declaration that the action of respondents 1 to 3 in resorting to demolish the construction made by the petitioner in the premises bearing No.1-19-1/2/3 in Sy.No.74/1 situated at Rasoolpura, Secunderabad, in pursuance of the lay out granted by the 4th respondent is arbitrary and illegal and violative of principles of natural justice and hit by Article 300-A of the Constitution of India.

The third respondent filed a counter stating that respondents 1 to 3 never visited the premises of the petitioner on 03.04.2000, as alleged by him, and never threatened to demolish the pillars in the land in Sy.No.74/1 of Rasoolpura village, which is classified as 'Abadi Sarkari' and also never violated Article 300-A of the Constitution of India.

The fourth respondent also filed a counter admitting that the plan submitted by the petitioner for construction of the building was approved, and also stated that no relief has been claimed against it.

This Court, while issuing notice before admission, made the following order in W.P.M.P.No.8042 of 2000 on 12.04.2000.

“ If any construction existing today, it may not be demolished except through due process of law. The petitioner shall also not make any fresh construction.”

In view of the counter filed by the Mandal Revenue Officer, Secunderabad, third respondent herein, on behalf of respondents 1 to 3, stating that respondents 1 to 3 never threatened to demolish the constructions made by the petitioner and the submission of the fourth respondent that as sanction was accorded under Board Resolution No.3 (4-2) dated 24.03.1998 and released on 20.04.1998, the petitioner was entitled to construct the building as per the sanctioned building plan, no further orders are necessary in this writ petition.

Accordingly, the writ petition is disposed of directing the respondents 1 to 3 not to demolish the property in question of the petitioner without following due process of law. No costs.

06.07.2006

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